

NEWS NOTES

of the Central Committee for Conscientious Objectors

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Philadelphia, Pa.

Uphold Civil Defense Convictions

Court Says Religious Scruples Not Violated-Minority Questions Constitutionality of N. Y. Act

By a four to three decision handed down December 31 the Court of Appeals of New York State—the highest appellate court of that state—upheld the convictions of several pacifists who refused to take shelter during air raid practice alerts in New York City in 1955 and 1956.

In a *per curiam* opinion the court majority upheld the constitutionality of the New York State Defense Emergency Act which empowers the State to compel people to take shelter during an air raid drill. The court refused to accept appellants' position that the Act coerced them into war preparation against their religious scruples. The majority held that an air raid drill "was merely training in how to take shelter in the event of an air raid, in the nature of a lifeboat drill at sea, or a fire drill in a school." The court upheld as constitutional the authority of the magistrates' courts in New York City to try offenses against the Defense Emergency Act.

The dissenting opinion written by Justice Fuld held that the New York State Legislature did not have the constitutional authority to vest the magistrates' courts of New York City with jurisdiction defense protesters were entitled to be tried in a three-judge court (a court of special sessions), and that their convictions should be reversed and the cases remanded to the magistrates' court for further proceedings.

The minority opinion did not reach the question whether the Defense Emergency Act, as applied in this case, violated provisions of the federal and state constitutions. Justice Fuld merely recorded that in his opinion the question of the Act's constitutionality was "a close and difficult one."

The first civil disobedience movement against civil defense took place in New York City in July of 1955 when 26 pacifists were arrested by New York police when they refused to take cover during an air raid drill. A year later 18 pacifists quietly insisted on sitting in Washington Square Park during a drill. They were arrested and eventually found guilty and fined \$25 or five days in jail. The two cases were combined for purposes of appeal to the highest court in the State.

In 1957 and again in 1958 smaller groups of pacifists, largely adherents of the Catholic Workers Movement offered civil disobedience and were jailed for 30 days each time.

New York State is one of the few states with a com-

pulsory civil defense law. Violation of the law is a misdemeanor carrying a maximum penalty of one year in prison and up to \$500 fine.

A. J. Muste, one of the appellants in the case, and a member of the Civil Defense Provisional Defense Committee has announced that an appeal to the United States Supreme Court will be sought. Readers of NEWS NOTES who wish to contribute to the cost of this appeal may send contributions earmarked for "Civil Defense Appeal" to A. J. Muste, treasurer, 5 Beekman St., New York City.

French Arrest Sahara Team

The Sahara Protest Team is expected to make a third try to penetrate the Sahara Desert and through the French lines to the French nuclear testing grounds near Reggan. The French are expected to explode their first nuclear test bomb within the next few weeks.

An international team of 20 under the leadership of The Reverend Michael Scott left Accra, Ghana several weeks ago and crossed into the Upper Volta, and were stopped by French authorities at Bittou, several miles inside French territory. Their passports were lifted and they were surrounded by troops and isolated from the local friendly population. The team refused to surrender the keys to their trucks. After several days the team withdrew into Ghana to reorganize.

A team of seven was selected to make the second try late in December. Members of the team are Michael Scott, Michael Randle, Bill Sutherland (U.S.) and four Ghanaians, K. Arkhurst, Frimpton Yansu, Orleans Linsey, and a Mr. Akita. Others of the original team returned to their homes or to Ghana to arouse continued and widespread support for the protest. Bayard Rustin and A. J. Muste returned to the United States.

These seven were stopped by French officers at Po, about 10 miles inside the upper Volta. The team insisted on the right to enter and informed the authorities that the French would be responsible for their food supply when their available food was consumed. Several times daily the team approached the check point and requested entry. When refused they sat in the roadway, blocking traffic, singing songs, and praying. Christmas eve was spent in such a vigil. Again the team was surrounded by armed police and prevented from mingling with the local populace. After many days of such nonviolent action the French authorities arrested the entire team and deported them to Ghana. They refused to turn over the trucks to the team.

The U. S. Committee for Nonviolent Action and the British Direct Action Committee have cabled the team supporting a third try.

Arkansas C.O. Convicted

Gayle Norman Glover of Vilonia, Arkansas, a member of the Radio Church of God, was found guilty in Little Rock, Arkansas, December 31, 1959, of refusal to accept induction into the armed forces.

Federal District Judge J. Smith Henley rejected Glover's claims that he had not been accorded full procedural rights of appeal. The court also held that Glover had not offered sufficient evidence that he was a conscientious objector to war. Judge Henley said that Selective Service "had a right to weigh defendant's lack of affiliation with the church whose tenets he purported to observe, his lack of public utterances of his beliefs, and the fact that he considered the strongest demonstrations of his sincerity were to be found in his abstinence from liquor, tobacco, and profanity and in his refraining from labor on the Sabbath. Conceding these abstinences to be commendable, their practice does not necessarily indicate that the individual concerned is conscientiously opposed to war or military service."

Glover had told the draft board that his religious beliefs forbade him from participating in war of any kind. He said that he derived his religious beliefs from his parents, from reading the Bible and from listening to the radio preaching of Herbert W. Armstrong, head of the Radio Church of God.

The Radio Church of God holds that followers of Christ are forbidden to kill or take human life in any manner; and that bearing arms is directly contrary to this fundamental doctrine of belief; and "we therefore conscientiously refuse to bear arms or to come under the military authority."

The court postponed sentence until February 15. Los Angeles attorney J. B. Tietz represented Glover.

New C.O. Handbook Out

The Fourth revised Edition of the *Handbook for Conscientious Objectors*, published by CCCO, came off the press late in January and advance orders are now being filled. Extensive changes have been made to bring the *Handbook* up-to-date. Part I, "C.O.'s Under Selective Service," includes the latest changes in Selective Service Regulations and the addition of some court decisions which affect conscientious objectors.

The section on prison life in Part 2, "C.O.'s in Court and Prison," has been revised and carefully reviewed by C.O.'s who recently completed prison terms. Part 3, "C.O.'s in The Armed Forces," was thoroughly revised to include the many changes which have occurred in the I-A-O training program at Fort Sam Houston, Texas during the past three years. Only minor alterations were necessary in the section "Thinking Through The Basis of Conscientious Objection."

Included in the *Handbook* for the first time is a selected and annotated bibliography of conscientious objection to war. The bibliography fills nine pages and includes over 70 titles.

The *Handbook* will continue to sell for 50 cents a copy, with a 20% discount on orders of five or more. Special funds are being raised to enable CCCO to continue its program of distributing free copies of the *Handbook* to high school and college counselors and libraries.

The First Edition of the *Handbook*, totaling 8,000

copies was published in 1952, followed by two successive editions of 5,000 copies each. Thousands of C.O.'s and C.O. counselors have relied on the *Handbook*. Many a C.O. has been saved from unnecessary difficulty with his draft board because of the *Handbook*. Through the years CCCO has received many unsolicited testimonials in praise of the *Handbook*. CCCO appreciates a recent testimonial from a young C.O. who wrote "The *Handbook* has not only told me what to do, but has told me when to worry and when to relax."

Another Alternative

(We quote freely from an article by Edgar Metzler which appeared in the Gospel Herald, a Mennonite journal, November 17, 1959, under the title "Another Alternative for Draft-Age Youth." Metzler is a member of a Mennonite church and was formerly associate executive secretary of the National Service Board for Religious Objectors.)

The Mennonite attitude toward conscription has been one of co-operation. The I-W program is not a witness against conscription, even though it does have the opportunity for a positive peace testimony. It is part and parcel of the compulsory system of conscription. The ultimate irony appears when the church joins forces with the state to administer the conscription program . . ."

"I would like to suggest that the way to speak is to act, and the act is refusal to co-operate with Selective Service and to do this as a clear and compelling testimony against the system of compulsory conscription and all its implications. This is commonly known as nonregistration.

"Such civil disobedience is, of course, an extreme action and should not be taken lightly. There are some who have taken the nonregistrant position for reasons wholly irrelevant to the Christian. The only Christian reason would be the deep conviction that this was a matter of obeying God rather than man and that by this act an urgently needed witness would be made. Such a witness by as few as ten Mennonite young men in the next year would be more eloquent testimony than a hundred delegations to Congress, though the two types of witness should supplement each other.

"Nor am I suggesting that Mennonite young men should not spend at least two years in Christian service. This should be done without the compulsion of the state. We would have to admit that our voluntary service program would probably suffer the same as the ranks of the armed forces without the pressure of the draft. The young man who refuses to register should also voluntarily enter some sacrificial Christian service.

"A beneficial side-effect of a few nonregistrants in the Mennonite brotherhood might be the injection of some moral nerve into the present I-W situation. It is too easy to believe nothing and still be a I-W . . . But he will have the satisfaction of saying a resounding "No" to the madness that has gripped our times, threatens our civilization, and is utterly contrary to the spirit of Christ. And by his life of loving service he will say an equally clear "Yes" to the call of Christian discipleship to bring the love of God in Christ to the world of men who need to be reconciled to God and to each other."

Briefly Noted

Marvin Tamarkin was paroled from the Federal Correctional Institution at Tallahassee, Florida on December 18. He reported that before leaving prison he had already received a flood of welcome Christmas cards. Prison authorities promised to forward the rest of his Christmas mail to his home in Florida. However, we know that some greetings were returned to the sender. We regret that such snafu invariably happens, but rejoice that Tamarkin was unexpectedly paroled.

* * *

Lawrence Osborn, Quaker C.O., who had been living in Costa Rica for several years returned to the United States early in December after his passport was restored to him. He reported that the passport issued to him by the U. S. Embassy in Costa Rica was valid only for return to the United States. Osborn left the U. S. shortly before his 18th birthday several years ago and the government unsuccessfully contended that he lost American citizenship under terms of the McCarran Immigration Act.

* * *

Full and unconditional Presidential pardons were granted to Robert L. Wixom of Little Rock, Arkansas, and Robert Richter, Salem, Oregon, shortly before Christmas. Richter and Wixom were convicted of violating the Selective Service Act of 1948 as conscientious objectors to war. A Presidential pardon restores full citizenship rights to the individual. However, relatively few C.O.'s have applied for pardons.

* * *

J. B. Tietz, well known Los Angeles attorney, writes that bond for religious objectors to the draft law in the Los Angeles area is customarily fixed at \$250. Previous to May, 1958 the U. S. District Attorney usually asked for \$2500 bail in C.O. draft cases. Subsequently, bond was set at \$1500 and in March, 1959, it was reduced to \$1000, then \$500 and finally to \$250. In one recent C.O. case where the judge gave a five year sentence, he put the appeal bond at \$250.

* * *

The Methodist Board of World Peace adopted a resolution in November, 1959 calling upon the government to recognize all sincere objectors, not just those who meet the religious test in the present draft law. The Board also called upon all colleges with required ROTC to provide exemption for conscientious objectors. The Board also resolved that nonviolent resistance to evil is a valid form of Christian witness.

* * *

The last of the Omaha missile base protesters were released in January. Marjorie Swann, mother of four young children, and the first woman C.O. to be committed to federal prison in recent years, was released from the Federal Correctional Institution for Women at Alderson, West Virginia after serving five of a six months sentence.

Arthur Harvey was released from Sandstone, Minnesota on the same day. The last to leave was Ammon Hennacy, released on good time January 24.

Three other protesters, Neil Haworth, Hiram C. Holdridge, and Larry Shumm were convicted in November of illegal entry into the ICBM base at Camp Mead, near Omaha, Nebraska, and sentenced to six months imprisonment and \$500 fines. They remain free pending appeal to the Eight Circuit Court of Appeals.

* * *

William Worthy Jr., journalist and World War II C.O., lost his battle to secure a U. S. Supreme Court review of a lower court decision upholding the authority of the State Department to declare certain areas out of bounds to U. S. travelers. William Worthy Jr. went to mainland China in 1956 despite the travel restriction on his passport. When the State Department refused to issue him a new passport unless he would promise to abide by such restriction, Worthy brought suit in the U. S. District Court in Washington.

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The Book Corner

The New Testament Basis of Pacifism and *The Relevance of an Impossible Ideal*, by G. H. C. MacGregor (Fellowship Publications, Nyack, New York, 1960, 160 pp. \$1.25). This paperback is the complete revised edition of *The New Testament Basis of Pacifism*, the standard work on the theological basis of Christian pacifism. It is a thoroughgoing textual study of the New Testament message for personal relations, for the relations of the individual Christian to the state and war, and for the Church as bearer of God's witness in the world. Included are an appendix of relevant passages from the Gospels and the letters of the Apostles, and a complete index of all scriptural passages that occur in the book.

The Relevance of An Impossible Ideal, revised especially for this volume, is G. H. C. MacGregor's reply to Reinhold Niebuhr's critique of pacifism as an "impossible ideal" that is irrelevant to the solution of practical political problems. Every young man who seriously considers filing a C.O. claim with his draft board should read this volume before filling out the special C.O. questionnaire.

* * *

The Flowers of Hiroshima, by Edita Morris (Viking, 1959, 187 pp. \$3.50). A tender, moving novel about the survivors of the A-bomb that America dropped on Hiroshima, as revealed through the lives of one family that belongs to that "special species, the radiated species, the only one of its kind on earth." Many Americans understand intellectually at least the tragedy of the A-bomb dropped on human beings. *The Flowers of Hiroshima* should help us to understand with our hearts what has resulted from man's evil creation. This short novel deserves an inexpensive paperback edition. It could make a powerful film, but not by Hollywood.

Right To A Fair Hearing

A conscientious objector who has been denied a C.O. classification by his local board is entitled to a personal appearance before the board. He may discuss his classification, direct the board's attention to information in his file which he thinks they may have overlooked or given insufficient weight to, and he may submit new information regarding his C.O. claim. The federal courts give considerable weight to the local board's classification because it does have the opportunity to meet the C.O. and judge him face to face.

We report below the summary of such a hearing as reported to us by a C.O. who was given a I-A classification by his draft board. CCCO has received other reports of similarly conducted hearings. Presumably the personal appearance gives the board a chance to judge the sincerity of the C.O. How does a board perform this task in a few minutes flat? How can it understand the C.O. if it does not listen to him? Would you consider this hearing to be fair? Who would want his C.O. position determined by such a hearing?

"The interview consisted of my being asked approximately eight questions . . . and lasted between five and seven minutes.

"Although four members of the board were present, the entire meeting was dominated by the board's head who hurriedly read the questions from a standard form. The other members appeared quite disinterested and behaved in a passive manner in that they raised no questions, did not once look at me during the interview, and spent its entirety with their heads bowed and eyes directed toward their fingernails or the top of the table at which we were sitting.

"The majority of the questions stated various general circumstances and asked if in these circumstances I would ever use force. Even though these questions are of a very rigid nature and consequently must be carefully examined and qualified, the board's indifferent attitude together with their apparent hurry created an atmosphere of so little concern or interest that I felt quite unable to answer the questions in the thorough way necessary for the board to be truly able to determine my feelings or the sincerity of my claim. At a particular time when I was attempting to define what I felt was the meaning of the word force and compare it with the word violence, the head of the draft board abruptly cut me off by declaring that, "we should not waste time mincing words. Such impatience can only lead me to conclude that there was no real interest on the board's part in regard to how I really felt concerning the matters under consideration."

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WANTED — FOR PEACE

Six or more men or women for peace internes in the San Francisco Bay area; to fill immediate openings as part time peace education worker to develop campus and community peace centers. These peace internes will work twenty hours a week at an outside job to support themselves and the rest of the time as executive secretary of a peace center. Each interne will work under the direction and with guidance from Acts for Peace, a Northern California cooperative program in peace education under the leadership of Robert Pickus with headquarters in Berkeley. Acts for Peace will help secure the necessary outside employment and housing; provide training, general guidance, and supervision. C.O.'s interested in trying their hand are urged to write Robert Pickus, Acts for Peace, 1730 Grove Street, Berkeley 9, California.

THE COURT REPORTER

I PROSECUTIONS

Sentences (None reported)

Appeals

10-12-59 James V. Carriker, cert denied

II RELEASED FROM PRISON

Good time

1 - 10-60 Arthur Harvey, Marjorie Swann

1 - 24-60 Ammon Hennacy

On parole

12-18-59 Marvin Tamarkin

III CURRENTLY IMPRISONED

Allenwood, Pa.—Jacob Weaver Nolt

Milan, Mich.—Joe S. Bonntreager

Terminal Island, Calif.—William A. Kariakin

Tucson, Ariz.—Richard G. Keene

Institution not verified—James V. Carriker

(Total number of C.O.'s convicted of Selective Service violations since 1948 to date, 348. This is a minimum number: J. W.'s and Muslims are not included and we miss a few.)

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